

United States District Court for Delaware

De-Shawn Drumgo sr
Plaintiff
V

CA NO. 1:14-CV-01135 GMS
1:14-CV-01136 GMS
1:14-CV-01134 GMS

Sgt William Kuschel et al



Motion of Injunction to release from
Restriction in Pennsylvania / And/or Return the
Person (Plaintiff)
motion to Appointment of Counsel

1. Plaintiff is A Pro se litigant
2. Plaintiff has been transferred out of state as a form of retaliation Plaintiff has been strategically beneficial to the defendants in two cases
3. The Plaintiff seeks A Injunction to order the Defendants to order J.T. VAUGHN to recall the order's of Placing restriction on a Delaware Prisoner sending him to the hole for more than 15 days violation of HB 148
4. The Plaintiff is Being Punished without "Due Process" NO write UP & NO Charges of any sort.
5. The Defendant's had the Plaintiff sent to PA. where there's NO Due Process NO HB 148, Delaware Law
6. Part of the retaliation is Plaintiff Being called Delaware Cop Killer.
7. Plaintiff is stripped searched 5 to 7 times A Day As A form of Retaliation Again he has been found to NOT Received ANY Due Process. Just Punishment

Motion of Injunction

The Plaintiff was Kidnapped around September 22nd 2017. At GunPoint all that had just recovered from the first entire loss of GBldg Feb 1st 2017 Retaliation of DOC, Maryland & state of Delaware Police.

This Kidnapping occurred 4:15 AM Plaintiff was again forced to leave his Property Behind, Plaintiff was transferred after being stripped naked twice triggering the Plaintiff's PTSD. The plaintiff was interstate Compacted to SCI Camphill the plaintiff was forced to hold his urine until his bladder Erupted CAUSING the Plaintiff to soil his Pants threw out the six hour transition. Plaintiff Requested many times to use the bathroom to no Avail.

Finally the Plaintiff had reached SCI Camphill however he was deprived his initial Phone Call according to Pennsylvania handbook. The Plaintiff made numerous request and grievances filed L.T. Lorah and counsellor Arnold Along with PRC. Denied Plaintiff call so After Approximately two weeks of Being housed in the "hole" they started to say "OH You will get a Call at Your Home Jail" Which turned out to be Yet Another lie. The Home Jail turned out to be SCI Frackville where the plaintiff is Again in Isolation The hole now indefinitely without ANY liberty or Due PROCESS
NO write-up NO infractions of Any sort NO Charges

Simply retaliation from Delaware's James T. Vaughn, DOC
And Gov. John Carney more specifically Warden Dana Metzger
Deputy Warden Parker, And Commissioner Perry Phelps.

Delaware has a clear law of no longer than 15 days hole time
so because they could no exceed that in Delaware without "Due Process"
they sent the Plaintiff to Pennsylvania where there is NO "Due Process"
And No Law or limitation on Isolation and it's extreme cruel
conditions causing the Plaintiff (PTSD) to be triggered
Where:

The Plaintiff is forced to strip in the complete nude
naked five to seven times A Day and then Groped. This Gives
The Plaintiff continuous flash backs of the Prior sexual assault
by officer see: Complaint in 1:14-cv-01135 GMS Drongo V
Kuschel 2017. Again the Plaintiff is Convicted of Nothing,
no write up in 2 years for Delaware and none in Pennsylvania
either. "No Due Process" been afforded nor ANY Reason for
such housing in the hole indefinitely according to PRC and
the only people who can change this bogus, harmful,
suspect classification is Delaware officials Warden Dana Metz-
ger Del Warden Parker & Perry Phelps the Commission And
Gov. John Carney.

Deputy Warden Parker said once whoever
was served or indicted I and the others would be considered
Exonerated and Return to Population Another lie.

The Plaintiff is Allowed NO Drinking W/P NOR SPOON
in his Cell The Plaintiff is Also housed in A Camera Cell
as if he is As worse As Earl Bradley Delaware's notorious
Child Predator. It's been A month still NO initial call.

The Plaintiff is suffering not only mental Anguish after Spending 10 Years in Delaware's SHU then Another Seven Months After Feb 1st, 2017 Again with no charge, No instruction or Due Process Now a month in Pennsylvania Still Again with "No Due Process" which is illegal in Delaware.

B) On top of this the Delaware officials Dan Metzger, Parker, and Perry Phelps have taken the Plaintiff's Good time & or Gave him more time on his sentence which is illegal and will be challenged in every Court Possible.

C) The Plaintiff Receives Retaliation Daily From being call the "DCK" = Delaware Cop Killer by the Correctional officers signifying or Simplify here Goes Delaware: I'm often talked about like I'm not present the DC. The DCK And or The Delaware All Applicable to the Death of Steven Floyd. Which the Plaintiff has nothing to do with And has not had a charge A write-up nor ANY Due Process Just hotline Indefinite hole time According to the PRC Board (John Does)

The Plaintiff is being Prosecuted and Perscuted which benefits the defendant's & Administration And the Defendant's in All his Civil Cases Also Stuart D. Davis there in the "hole" the Law Library is A Dirt ball low Almost Non-existent As is the Indigent Program which renders the Plaintiff's litigation impossible And again the C.O.'s Destroyed the Plaintiff's research Legal Work And Property, Food ETC ETC Counsel is necessary and or needed &

D) The Plaintiff has been sexually assaulted by Sgt William Kuschel see: 1:14-CV-01135 GMS and now as a form of Persecution the Plaintiff is not only stripped but naked 5 to 7 times A Day but the Plaintiff is Paraded to the shower in his underwear in Delaware this is Contrary to it's rules having to Always have A shirt on and Pants or shorts while out of Your Cell, This is Clearly A Violation of (PRCA) Prisoner Rule Elimination Act, this Causing The Plaintiff to have Flashbacks (PTSD) Also they Also strip You naked in the cell with Your Cell-buddy in the same cell another Violation of (PRCA).

Now When the Plaintiff is Escorted to The shower You Can hear 50 Plus Prisoner's hoop and holler Just like when You try to Go to sleep which seem's impossible. When the Prisoner or Plaintiff is escorted to the shower his Position is vulnerable Only in Underwear and Flip Flop's handcuffed Behind his back on A Dog leash. the Plaintiff is Attached By Someone who may have Kicked their ~~No~~ The Plaintiff would not be Able to Defend himself. This is Causing serious Mental Anguish. Again the plaintiff has NOT Received ANY "Due Process". Write-Up, Charge or hearing to determine or Deserve this cruel & Unusual Punishments.

Pennsylvania Does Not Uphold any of Delaware's laws
Despite the Plaintiff is A Delaware Prisoner. SO Delaware
Laws should be held over the Prisoner Because the
Prisoner Can not file A Writ of Habeas Corpus and Say
The Petitioner Does not want to do Delaware's time
he wants to Pennsylvania's time. ~~immediately~~
because they have Program's Rehab and Parole.

So the state of Delaware should
not be Able to say we Can't Punish him in Delaware because
the Law is 15 days of Iso the hole so let's send
him to PENNSYLVANIA where theirs "NO Due Process"
no law on hole time and their lost in time in Regards
to Solitary Confinement And less Also take his Good
Time with NO Due Process, Absent of ANY misbehavior
the Plaintiff wasn't Caught or Charged or loss of all
Good time. The Plaintiff hasn't had A write-up in
2 Plus Years in Delaware And was classified to medium
with 11 Points and due to J.1VCC the Plaintiff had
been classified and was not supposed to be in C-Bldg
at the occurrence of Feb 1, 2017 And Now J.1VCC
Wants to Punish 100 Plus innocent bystanders.

SEE. 41.B. 148

E) The Plaintiff has no Communication with his Lawyer Mr. Joseph B. Cicero And Mr Hampton since this Transition started. This Transfer was Also About Eradicating my litigant And or Putting me in A Place where I'm unable to Respond, research file and have Adequate Access to the Courts The Feb 21st, 2017 Youtube situation is Just being Used or Combined to benefit All the name Defendants BY Eradicating Plaintiffs Accessibility.

This facility for the hole has only A out date Computer in which Copies Are NOT existent for A Indigent litigant. SCI-Franchville is Ahead of it's time in regards to it Compound or Mainline And Production with Programs of Many different Topics DOG Programs, GED, HSD, College Course And traits. However they are Lost in time in regards to their Iso-Hole. The Plaintiff is labeled AC which is Supposed to be Admin-SEG. However the Prisoner is housed with Disciplinary Prisoner who have been convicted of infractions and Charges.

F) The Plaintiff is forced to walk around Almost Barefoot unable to wear the sneakers he bought but some slippers that have no texture for A flat footed Person this Causing the Plaintiff to suffer Pain in feet walking and or working out the slipper Accumulate holes in just one work out. The Plaintiff must workout to evade Diabetes.

G) The Plaintiff is Deprived Adequate Sunlight And the Medical Refused to Give him Vitamin-D meds That he Came with from Delaware. The outside Cages are shaded by Building recreation starts As Early as 6:00AM,

H) The Plaintiff Again Convicted of Nothing Must stand up and do the Hokey Pokey for Every single meal the Plaintiff must also strip Butt Naked and Do the Hokey Pokey Before Rec After Rec Before medical after medical before library after library thus setting the Plaintiff in a Daze or trans of PTSD.

I) The Plaintiff is Deprived Grievance but many C.O's However once in a Blue moon the Plaintiff is able to Get a Nice Stuck from the few Officers who Don't hold a Grudge and or Prisoner.

J) One C.O. Walter said the Plaintiff was on Grievance Restriction unheard of as far as the USDC is Concerned but You Can find this in the Pennsylvania Prisoner hand Book.

L) This Frackville, PA is like Mayberry every Person has more than one job thus Causing Constitutional violations of many dimensions.

1) Causing Very Slow medical care inadequate medical care then the nurse Tony is Disrespectful and Unprofessional The Plaintiff is being Deprive of All his medicated Hydrocortisone Lotion, Hydrocortisone, Shampoo, foot cream for 100% itchy and Athlete's foot.

2) Also this make the law library Run slow I wrote the 3 times Put in Request 9-28-17 And Did not receive nothing back to 10-8-17 this will kill Reptiles this will benefit the state and or Defendant's.

3) The Plaintiff for the Most Part has been Indigent however the Prison's Policy is 8 Free letter's a month No Packages. However the Plaintiff has many Open Cases 1:14-cv-01135 GMS 1:14-cv-01134 GMS in the 3rd circuit Awaiting A decision 1:14-cv-01136 GMS 1:08-cv-00592 And JP9-17-000872 Plaintiff Also owes the Court's Rendering him often Indigent. In Delaware They Just Put you in the Negative until you Get A money order However in Frackville, PA Stone-Age As for Adequate Access to the Courts this will Also kill the Plaintiff Right to Effective Assistance of Counsel. To make thing's worse the Plaintiff has 5 Pen's Ink Pen's Black in his Property However the Staff refuses to simply take out the Cartridges. Now the Plaintiff is Currently Being Deprived of A Visible Ink Pen that why this Entire Motion IS All most invisible

M) Plaintiff's legal work and property sneakers, clothes were stolen and or destroyed by J.T. Vaughn staff where Plaintiff had no cell buddy in the SHU only staff can be held responsible (MC-U2). The Plaintiff is constantly losing to J.T. Vaughn. Funny previous Plaintiff Anthony Burris led this lynch mob with a gun in his hand.

N) Plaintiff all white New balance were left in SCI-Camphill the Plaintiff family does not have money to replace.

O) Also the Plaintiff was forced to miss his court date of Sept 28, 2017 case NO JPE-17-000872 Ironically the Defense knew they would transferring Plaintiff and after numerous Post-Ponement and/or rescheduling the Defendant's shot a Bokus Motion to Dismiss which the Plaintiff has not received Day's before the trial. AGAIN Using the Plaintiff transfer to their Advantage Counsel is needed. As for the J.P.-9 small claim court case which would most likely be ruled in Plaintiff favor in regards to Feb 1, 2017 Police & DOC Officials Destroy All Plaintiff's Property and most of his Documents.

The Plaintiff respectfully request that this motion of Injunction be upheld for the following relief that the Plaintiff be taken of hole status housing because it is AGAINST Delaware law H.B 148 Plaintiff has been in ISO - Hole for almost 30 days housed with disciplinaries and punished like them stripped naked with no due process Plaintiff request J.T. Vaughn & DOC be ordered to either take him off restrict which they dictated to Secretary of Prison of PA. John G. Wetzel or order Plaintiff's return to Delaware.

The Plaintiff was Classified to medium with 11 Points no workups in Two Years. The Plaintiff should be Given A Chance in Population and The Character Displayed should be how he is Treat. All Access is on the mantine or Compound however the Indigent may still be A Obstacle but maybe not because the Plaintiff can Get A Job.

If Delaware Corrections fail to retract the Bogus order of restriction Plaintiff Demands he be returned to Delaware Custody Anywhere but J.T.V.C. Anywhere but under the Warden Dana Metzger And Deputy Parker.

* Also there is no E-FILE HERE."

Plaintiff Also request that A Injunction be Placed to Stop the trigger of Plaintiff's PTSD Damaged Caused BY Kuschel. Plaintiff Request that the strip search and or of 5 to 7 times A Day Be stopped and that the Camera be removed.

Plaintiff Request that he be Appointed Counsel for All of his cases. And that the Prisoner be released from these exceptionally harsh Conditions thus the Defendant's are counting on this restriction of access to Courts. The Plaintiff was Already Handicapped Many Defense Attorney's or Paralegal Assistant Computers, Phone calls for favors ETC. Now the Plaintiff is for the most Part Denied Adequate Access to not only the Courts, Indigents, Pen and Basic litigation tools. And PSYLM And research Again Stolen or Destroyed Possibly sitting in Stuart Durowitz Office.

Respectfully submitted

Please see Exhibit's
Enclosed



SCI-Frackville
1111 ALHAMBRA BLVD
Frackville, PA

#AUC1690

OUT REGEONS

EXHIBIT A

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections	
		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) Mail Room officers		2. Date: 10-4-17	
3. By: (Print Inmate Name and Number) De-Shawn Drums Jr D. Drums Jr Inmate Signature		4. Counselor's Name	
		5. Unit Manager's Name Albert	
6. Work Assignment		7. Housing Assignment EB-10	
8. Subject: State your request completely but briefly. Give details. Mail Room Clerk, How Are You? As for me I'm A Interstate Compact And Currently I AM Indigent I have write the Business Manager in regards this in the meantime in between time I AM Being Denied ADEQUATE ACCESS TO the 3rd circuit Court of Appeal's And United States District Court for Delaware And 3rd Cir of PHILA And I AM Also Being Denied Effective Assistance of counsel the Indigent Cash Slip has been sent back twice in the meantime I have Deadlines And MY Lawyer has NO ideal How to Contact me This Absolutely outrageous And Unconstitutional Thank You for your time & efforts D. Drums Jr			
9. Response: (This Section for Staff Response Only) Unless you are approved for indigent funds from the business office - we are not permitted to put your account in the negative. It does not matter if it is legal mail or not.			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name

F. Walter, F. Walter
Print

Sign

Date

10-10-17

STATE OF DELAWARE
DEPARTMENT OF JUSTICE
STATE OFFICE BUILDING
820 N. FRENCH ST.
WILMINGTON, DELAWARE 19801-3509
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